

## REMARKS

Reconsideration and further examination of the subject patent application in view of the present Amendment and the following Remarks is respectfully requested. Claims 1-15 are currently pending in the application. Claims 1-15 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Pat. No. 5,742,757 to Hamadani, et al. (“Hamadani”) in view of U.S. Pat. Pub. No. 2001/0011254 to Clark (“Clark”) and further in view of U.S. Pat. Pub. No. 6,292,833 to Liao et al. (“Liao”) and further in view of U.S. Pat. No. 5,307,347 to Duault, et al. (“Duault”). Claims 1, 5, and 9 have been amended for clarification. After a careful review of the claims and references, applicant believes that the claims are in allowable form and therefore a Notice of Allowance is respectfully requested.

Independent claims 1, 5, and 9 are directed to a method, server or medium wherein messages are sent to the remote users denied access indicating denial and future notification, and that access is allowed only after response by the remote user to the alert; an alert is sent to queued remote users indicating that access has become available; and access is allowed only after the queued remote user responds; and determination of whether the user has responded to the alert. Hamadani discloses a software license management system but does not disclose a message to users denied access which includes that subsequent notification of available access will be provided, and further does not disclose allowing access only after the user responds to the alert nor determining whether the queued remote user has responded to the alert.

The Office Action asserts that Hamadani disclosed allowing access only after the remote user responds to the alerts citing Col. 4, lines 63 to Col. 5, line 5, and Col. 5, lines 22-27. However, the Col. 4., line 63 to Col. 5, line 5 passage only describe the license manager 28 looking at the license request queue when a license becomes available, and determining which of the EWS should be notified about license availability. There is no description of any response by

the EWS and no description of limiting access only to those that respond. The passage at Col. 5, lines 22 to 57 merely describes the license manager 28 determining if a license is available (lines 22-40) and if not, places the request in a queue, and when the license becomes available, it allows the first request in the queue to be served (lines 49-51). However, again there is no description of a response to the alert by the EWS, and there is no description of limiting access only to those users that respond to alerts. Further, there is no disclosure of determining whether the user has responded to the alert in Hamadani, or the other cited references. Thus, Hamadani does not disclose responding to the alert, does not disclose access only after such a response, and does not disclose determining whether there has been a response, as claimed.

In addition, the Office Action conceded that Hamadani and Clark do not disclose sending a message to the remote user including indicating that the user will be notified when access is available but asserts that Liao does at Col. 7, lines 5-22. This passage, however, only describes obtaining at the mobile device a service identity (such as the calling phone number) for the message requesting access to local services. Thus, there is no description of any message sent indicating access is not possible or that the user will be notified. It appears the Office Action may have intended to refer to Col. 10, lines 5-22, however, in this passage, the service identity for a message from the user is obtained and verified, and if not verified, access for the message from the user is denied. The passage also explains that the user message is denied access because it was not validated but again, there is no description of a message to the user indicating access is not possible or that the user will be notified when access is possible. The only disclosure is that access for the user message is denied when verification of the request message fails, a circumstance which would not call for later notification of available access.

The Office Action also conceded that Hamadani does not disclose notifying queued users and determining whether the queued remote user has responded to the alert but asserts that

Duault does at Col. 11, lines 12-62 and at Col. 17, lines 1-10. Duault describes a system wherein an ISDN port connection manager allows multiple methods to access various channels of an ISDN port. This is not analogous to the claimed software license system which concerns authorization to use a software module. Further, the cited passages merely describe a port connection manager 302 notifying a connection manager that a communication line is available and allowing access to the channel. The call is then made (i.e., the channel is accessed) without first requiring a response, while a status response indicates a decline. Indicating a decline is not the claimed response and allowing of access; rather, in Duault, access is allowed and then, either a decline message is sent or the communication line is accessed. Thus, Duault does not disclose responding so to obtain access nor allowing access only after the response.

Thus, the independent claims 1, 5, and 9 distinguish over Hamadani, Clark, Duault, and Liao for at least the above reasons, and are therefore believed to be allowable. Claims 2-4, 6-8, and 10-15 are dependent upon now allowable claims 1, 5, and 9 are therefore also believed to be allowable in like manner.

Claims 2, 3, 6, 7, 10, and 11 are believed to be further distinguishable because neither Hamadani, Clark, Duault, nor Liao discloses returning requests to the queue to allow an additional opportunity or a predetermined member of additional opportunities as claimed in the amended claims 2, 3, 6, 7, 10, and 11 (see e.g. p. 18, lines 11-20). The Office Action indicates that Hamadani discloses the return to the queue for failure to respond at Col. 5, lines 50-57 of Claims 2, 6, and 10. However, as disclosed above, Hamadani does not disclose responding to an alert. Further, the cited passage merely describes the original notification that the request has come up in the queue and thus that access is available. There is no description of returning the users to the queue or doing so as a result of failure to respond to an alert. With regard to claims 3, 7, and 11, the Office Action cites Col. 4, lines 60-67 and Col. 5, lines 41-51 as disclosing the

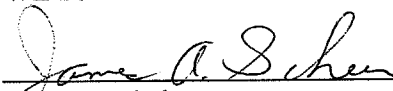
claimed predetermined number of additional opportunities. However, Hamadani does not disclose providing additional opportunities to respond to the alert (as above discussed does not disclose responding to an alert at all). Further, Col. 4, lines 60-67 merely describe looking at the request queue when a license becomes available, while Col. 5, lines 41-51 merely describes creating a queue, detecting when a license becomes available and allowing the first request in the queue to be served. There is no discussion at all of allowing a predetermined number of additional opportunities to respond to an alert.

Claims 13, 14, and 15 claim a server having reserved ports (Claim 13), response within a predetermined time period (Claim 14) and storage and use of information about the user, termination of the contact and use of the stored information to recontact the user (Claim 15) (see e.g., p. 15, lines 22-24; p. 13, lines 9-11; and p. 13, lines 16-20 respectively). Regarding claim 13, the Office Action cites Col. 4, lines 10-16 and Col. 5, lines 19-21 as disclosing one or more reserved ports. However, Col. 4, lines 10-16 merely describe searching for available licenses and storing license data, and Col. 5, lines 19-21 merely describes making a mode-locked license available to use. There is no discussion of ports reserved for receiving requests. Regarding claim 14, the Office Action cites Col. 4, lines 60-67, and Col. 5, lines 41-51 as disclosing response with a predetermined time. However, these passages as described above do not disclose responding to an alert at all, merely looking at the queue initially when a license becomes available and creating the queue. Regarding claim 15, the Office Action cites Clark, para. 16 as disclosing the claimed termination and recontacting. However, Clark in para. 16 merely describes searching for a license file on another computer and transferring it without any disclosure of first terminating the contact and reconnecting when a license becomes available. Thus, these features are also not disclosed by Hamadani, Clark, Duault, or Liao and are therefore the claims 13, 14, and 15 are believed to be further distinguishable.

For the foregoing reasons, applicant submits that the subject application is in condition for allowance and earnestly solicits a Notice of Allowance. Should the Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application the Examiner is respectfully requested to call the undersigned at the below-listed number.

Respectfully submitted,

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By:   
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